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| 10/067,843 | 02/08/2002 | Kenji Iwano | 2002_0211A | 9646 |
| 513 7590 09/06/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021 | | | EXAMINER TOMASZEWSKI, MICHAEL | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/067,843

Applicant(s)

IWANO ET AL.

Examiner

Mike Tomaszewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the amendment filed on 6/18/07. Claim 2 has been cancelled. Claims 1, 4, 8-11 and 15 have been amended. Claims 1 and 3-17 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Joao* (6,283,761; hereinafter *Joao*), in view of *Felsher* (US 2002/0010679; hereinafter *Felsher*).

(A) As per currently amended claim 1, *Joao* discloses a medical information system comprising:

- (1) a patient server comprising a first database, said patient server being operable to receive vital information and unique identifications, store and manage the received vital information and unique identifications in said first database such that the vital information is not associated with a corresponding unique identification, and transmit the stored and managed vital information and unique identifications, wherein said first database does not store patient data (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);
- (2) a medical care provider server connected to said patient server through a first network, and comprising a second database, said medical care provider server being operable to receive the vital information, and unique identifications from said first database of said patient server through the first network, store and manage the received vital information, and unique identifications, and patient data in said second database, associate each of the unique identifications with corresponding patient data, identify corresponding patient data using each of the unique identifications, and allow the stored and managed vital information, and unique identifications, and patient data to be browsed (Joao: col. 12, lines 50-67; col. 13, lines 1-7 and 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);
- (3) a patient terminal connected to said patient server through a network, said patient terminal being operable to transmit the vital information and unique

identifications to said patient server through the network (*Joao*: col. 12, lines 50-57; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1); and

- (4) a doctor terminal connected to said medical care provider server through a network, said doctor terminal being operable to browse the vital information, and unique identifications, and patient data stored and managed in the medical care provider server through the network (*Joao*: col. 12, lines 57-67; col. 13, lines 1-7 and 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1).

Joao, however, fails to *expressly* disclose a medical information system comprising:

- (13) second and third networks.

Nevertheless, these features are notoriously well known in the art, as evidenced by *Felsher*. In particular, *Felsher* discloses a medical information system according to claim 1, further comprising:

- (5) second and third networks (*Felsher*: abstract; Fig. 1).

Examiner also notes, however, that *Joao* does teach a system having a single computer or system of computers and/or may include a plurality of computers or computer systems (i.e., networks) that are utilized in conjunction with one another (i.e., the systems are networked together) (*Joao*: col. 13, lines 42-45). As such, Examiner considers a broad yet reasonable interpretation of *Joao* to also teach Applicant's recitation of multiple networks interconnected within a larger network.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Felsher* with the teachings of *Joao* with the motivation of providing a secure system for exchanging confidential information (*Felsher*: abstract).

(B) As per previously presented claim 3, *Joao* discloses a medical information system according to claim 1, further comprising a sensor for measuring vital data, wherein the vital information includes a measurement value by said sensor (*Joao*: col. 23, lines 47-61).

(C) As per currently amended claim 4, *Joao* discloses a medical information system according to claim 1, wherein:

- (1) said doctor terminal is operable to transmit, consultation data, an inquiry regarding a health status of a patient to said medical care provider server

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through the network (*Joao*: col. 31, lines 65-67; col. 32, lines 1-47; Fig. 1);
and

- (2) the vital information transmitted from said patient terminal to said patient server through the network includes a reply to the inquiry transmitted to said patient terminal (*Joao*: col. 31, lines 65-67; col. 32, lines 1-47; Fig. 1).

Joao, however, fails to *expressly* disclose a medical information system according to claim 1, wherein:

- (5) the system comprises second and third networks.

Nevertheless, these features are notoriously well known in the art, as evidenced by *Felsher*. In particular, *Felsher* discloses a medical information system according to claim 2, wherein:

- (5) system comprises second and third networks (*Felsher*: abstract; Fig. 1).

Examiner also notes, however, that *Joao* does teach a system having a single computer or system of computers and/or may include a plurality of computers or computer systems (i.e., networks) that are utilized in conjunction with one another (i.e., the systems are networked together) (*Joao*: col. 13, lines 42-45). As such, Examiner considers a broad yet

reasonable interpretation of *Joao* to also teach Applicant's recitation of multiple networks interconnected within a larger network.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Felsher* with the teachings of *Joao* with the motivation of providing a secure system for exchanging confidential information (*Felsher*: abstract).

(D) As per previously presented claim 5, *Joao* fails to *expressly* disclose a medical information system according to claim 1, further comprising:

- (1) a first unauthorized access prevention section provided in the first network;
- (2) a second unauthorized access prevention section provided in the second network;
- (3) a third unauthorized access prevention section provided in the third network; and
- (4) wherein said first and third unauthorized access prevention sections have higher security levels than a security level of said second unauthorized access prevention section.

Nevertheless, these features are old and well known in the art, as evidenced by *Felsher*. In particular, *Felsher* discloses a medical information system according to claim 1, further comprising:

- (1) a first unauthorized access prevention section provided in the first network (*Felsher*. ¶ [0197]);
- (2) a second unauthorized access prevention section provided in the second network (*Felsher*. ¶ [0197]);
- (3) a third unauthorized access prevention section provided in the third network (*Felsher*. ¶ [0197]); and
- (4) wherein said first and third unauthorized access prevention sections have higher security levels than a security level of said second unauthorized access prevention section (*Felsher*. ¶ [0197]).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Felsher* with the teachings of *Joao* with the motivation of providing a secure system for exchanging confidential information (*Felsher*. abstract).

Examiner notes also that *Joao* teaches the use of various authorization, security and encryption techniques, technologies, and methods (*Joao*: col. 15, lines 54-58; col. 40, lines 51-60).

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(E) As per previously presented claim 6, *Joao* fails to *expressly* disclose a medical information system according to claim 5, wherein:

- (1) said first unauthorized access prevention section comprises a firewall and a virtual private network;
- (2) said second unauthorized access prevention section comprises a remote access server; and
- (3) said third unauthorized access prevention section comprises a terminal authentication server.

Nevertheless, these features are old and well known in the art, as evidenced by *Felsher*. In particular, *Felsher* discloses a medical information system according to claim 5, wherein:

- (1) said first unauthorized access prevention section comprises a firewall and a virtual private network (*Felsher*. ¶ [0228]);
- (2) said second unauthorized access prevention section comprises a remote access server (*Felsher*. ¶ [0228]); and
- (3) said third unauthorized access prevention section comprises a terminal authentication server (*Felsher*. ¶ [0228]).

Examiner notes also that *Joao* teaches the use of various authorization, security and encryption techniques, technologies, and methods (*Joao*: col. 15, lines 54-58; col. 40, lines 51-60) and therefore, *Joao* strongly suggests the aforementioned features above.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Felsher* with the teachings of *Joao* with the motivation of providing a secure system for exchanging confidential information (*Felsher*: abstract).

(F) As per previously presented claim 7, *Joao* discloses a medical information system according to claim 1, wherein the patient server and said medical care provider server are respectively clustered (*Joao*: abstract; col. 3, lines 33-53; Fig. 1).

(G) Claims 8-17 substantially repeat the same limitations as those of claims 1-7 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

Response to Arguments

4. Applicant's arguments filed 6/18/07 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 6/18/07.

(A) On page 15 of the 6/18/07 response, Applicant argues that Joao does not describe a server having a first database such that the vital information and unique information in the first database such that the vital information is not associated with the corresponding unique identification, wherein the first database does not store patient data.

In response to applicant's argument, Examiner notes that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

(B) On pages 15-16 of the 6/18/07 response, Applicant argues that Felsher teaches away from Joao, and as such, supports the non-obviousness of the invention and thus, there is no suggestion or reason to make the proposed combination of references.

In response to applicant's argument that there is no suggestion to combine the references, Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In the instant case, one of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Felsher* with the teachings of *Joao* with the motivation of providing a secure system for exchanging confidential information

(C) Applicant's remaining arguments in the response filed 6/18/07 rely on or re-hash the issues addressed above or in previous Office Actions and therefore, are moot in view of the responses previously given and incorporated herein.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

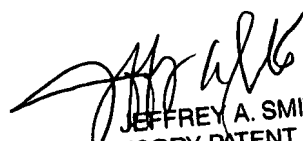
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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